

February 28, 2025

VIA ECFThe Honorable Lewis J. Liman
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312Re: *Lively v. Wayfarer Studios LLC et al.*, Case No. 1:24-cv-10049-LJL
Wayfarer Studios LLC v. Lively, Case No. 1:24-cv-10049-LJL

Dear Judge Lewis:

This firm represents Consolidated Defendant The New York Times Company (“*The Times*”) in the above-referenced action.

Today, *The Times* filed its motion to dismiss the First Amended Complaint (“FAC”) of Consolidated Plaintiffs Wayfarer Studios, LLC, Justin Baldoni, Jamey Heath, It Ends With Us Movie, LLC, Melissa Nathan, Jennifer Abel and Steve Sarowitz (“Plaintiffs”). We write to seek leave to lodge with the Clerk of Court a flash drive containing a video that is at issue in Counts One and Two of Plaintiffs’ FAC. The video is marked as Exhibit 2 to the Declaration of Katherine M. Bolger in Support of *The Times*’s Motion to Dismiss. As noted in the Bolger declaration, this video is also available online via YouTube and the website of *The Times*.

Thank you for your consideration.

Respectfully submitted,

Davis Wright Tremain LLP

/s/ Katherine M. Bolger

Katherine M. Bolger

cc: Counsel of Record (via ECF)